IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2185 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BHARATSINH MANUBHA RANA

Versus

COLLECTOR OF CUSTOMS

Appearance:

1. Special Civil Application No. 2185 of 1995

MR PR NANAVATI for Petitioner No. 1

MS PJ DAVAWALA for Respondent No. 1,3

..... for Respondent No. 2

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 18/09/2001

ORAL JUDGEMENT

1. The petitioner is working in the State Transport Corporation as Conductor. On October 9,1999, while he was proceeding from his field towards village Sonardi, he found two persons, namely Mamad Hasan Mamad Sindhui and

Abbas Haji Mahmad Siddi who were smugglers and after encounter with these persons, he informed police. It is the case of the petitioner that after trial, the said two persons were convicted. The petitioner applied for 20% reward of the value seized. According to the petitioner, there were 3400 gold biscuits seized by the Customs Department at the instance of the petitioner and, therefore, according to the petitioner, he is entitled to 20% reward. It is the grievanceof the petitioner that even though he had applied for the said amount of reward, the respondents are not taking any steps and, therefore, this petition is filed.

2. In para 18(B1) of the petition, the petitioner has sought appropriate writ, order or direction directing the respondents to consider the representation made by the petitioner at annexure C to the petition. The main relief prayed for in the petition is deleted by the petitioner as per order passed by this Court dated 22.3.1995. Annexure C is the communication dated 25.10.1990 addressed by the Assistant Collector (Prevention) for Collector of Customs (Prevention), Gujarat, Ahmedabad informing the petitioner that the representation of the petitioner dated 2.8.1990 regarding the claim of reward was at receiving attention. No affidavit in reply has been filed on behalf of the respondents authorities regarding the status of representation dated 2.8.1990 even though this Court had specifically directed the respondents to file affidavit by an order dated 16.7.2001. In the circumstances, the Court is totally unaware about the decision taken in the matter by the respondents. The only direction that can be granted in the petition is to direct the respondent Central Board of Excise and Customs, New Delhi to take appropriate decision on the representation dated 2.8.1990 submitted by the petitioner, if not taken so far, within four weeks from the date of receipt of writ of this order and to communicate the same to the petitioner.

This petition is accordingly allowed. Rule is made absolute with no order as to costs.

(K.R.Vyas,J.)

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